

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6049**

**BILL NUMBER:** HB 1077

**NOTE PREPARED:** Nov 9, 2011

**BILL AMENDED:**

**SUBJECT:** Battery Upon a Law Enforcement Officer.

**FIRST AUTHOR:** Rep. Neese

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ GENERAL  
☒ DEDICATED  
☐ FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill makes battery a Class D felony if the offense is committed against a: (1) law enforcement officer; or (2) person summoned and directed by a law enforcement officer; while the officer is engaged in the execution of the officer's official duty. It also makes conforming amendments.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** There are no data available to indicate how many offenders may be subject to a Class D felony instead of a Class A misdemeanor under the provisions of the bill. Under current law, a person who knowingly or intentionally touches a law enforcement officer or a person summoned and directed by the officer in a rude, insolent, or angry manner commits a Class A misdemeanor. If the offense results in bodily injury to the officer or the person, it is a Class D felony. Under the bill, the offense would be a Class D felony.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$18,836 in FY 2011. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost per offender for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$75,591 in FY 2011. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** More revenue to the Common School Fund could be collected if a larger

criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

**Explanation of Local Expenditures:** If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

**Explanation of Local Revenues:** Court fees for both misdemeanors and felonies are \$120.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

**Fiscal Analyst:** Chuck Mayfield, 317-232-4825.